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## Notice of Allowability

Application No.

09/898,004

Examiner

Le H Luu

Applicant(s)

HARUMOTO ET AL.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 02/18/2005 and interviewed on 06/03/2005.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 18 February 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 06/03/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
LE HIEN LUU  
PRIMARY EXAMINER

Art Unit: 2141

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

2. Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Jonathan R. Bowser on June 03, 2005 to obviate 35 USC 101 nonstatutory subject matter rejections on claims 14-15.

3. Delete claims 14-15 and substitute therefor:

-- 14. (Currently Amended) A computer-readable recording medium storing a program describing a streaming method in which a server transmits stream data to a terminal through a network, and the terminal plays back the stream data while receiving the stream data from the server,

wherein, in the terminal, said method comprises:

determining a target value of the stream data to be stored in a buffer of the terminal in relation to a buffer capacity of the terminal and a transmission capacity of the network;

arbitrarily determining, in a range not exceeding a value obtained by dividing the buffer capacity by the transmission capacity, a delay time from when the terminal writes head data of the stream data to the buffer to when the terminal reads the data to start playback;

notifying the server of the determined target value and the determined delay time; and

wherein, in the server, said method comprises controlling a transmission speed based on the notified target value and the notified delay time when the server transmits the stream data to the terminal over the network.

15. (Currently Amended) A computer-readable recording medium on which a program is recorded, said program describing a streaming method in which a server transmits stream data to a terminal through a network and the terminal plays back the stream data while receiving the stream data from the server,

wherein said program causes the terminal to perform an operation of:

determining a target value of the stream data to be stored in a buffer of the terminal in relation to a buffer capacity of the terminal and a transmission capacity of the network;

arbitrarily determining, in a range not exceeding a value obtained by dividing the buffer capacity by the transmission capacity, a delay time from when the terminal writes head data of the stream data to the buffer to when the terminal reads the data to start playback; and

notifying the server of the determined target value and the determined delay time; and

wherein said program causes the server to perform an operation of controlling a transmission speed based on the notified target value and the notified delay time when the server transmits the stream data to the terminal over the network. --

4. Pursuant to MPEP 606.01, the title has been changed to read:

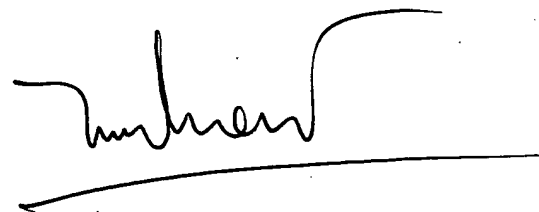
-- A SYSTEM FOR TRANSMITTING STREAM DATA FROM SERVER TO  
CLIENT BASED ON BUFFER AND TRANSMISSION CAPACITIES AND  
DELAY TIME OF THE CLIENT --

5. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LE HIEN LUU  
PRIMARY EXAMINER

June 03, 2005